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UNITED STATES PATENT & TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR
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UNITED STATES PATENT AND TRADEMARK OFFICE
Washington, D.C. 20231

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OFFICE OF THE DIRECTOR
TC 3600

Allan Cameron
1 Edson Road
South Natick, MA 01760

In re Application of
Allan Cameron
Application No. 09/499,550
Filed: February 2, 2000
For: SAFETY SHIELD WINDOW INSERT

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in response to applicant's petition to withdraw the holding of abandonment, filed in the United States Patent and Trademark Office (USPTO), on January 3, 2002.

The petition is **GRANTED**.

A review of the file record indicates that an Office action was mailed on December 22, 2000 wherein a three-month shortened statutory period for response was set. A communication was filed on March 22, 2001 which contained an amendment to the specification and claims and included a cover sheet form PTO/SB/30 "Request for Continued Examination Transmittal". A Notice of Improper Request for Continued Examination (RCE) was mailed on April 26, 2001. A Notice of Abandonment was mailed on July 30, 2001 wherein the examiner held that the reply filed March 22, 2001 was not a proper reply to the Office action dated December 22, 2000.

Applicant asserts that a timely response was filed on March 18, 2001 and has submitted documents to support this assertion. Applicant has also provided a notification of a change of address because he has recently moved and did not receive the Improper Request for Continued Examination until much later after its mailing. Also, applicant asserts that he never received the Notice of Abandonment.

A closer review of the communication filed March 22, 2001 reveals that it included an amendment to the specification and claims and a discussion of the prior art relied on in the Office action of December 22, 2000. Therefore, upon reconsideration, the communication filed March 22, 2001 has been treated as a timely response to the Office action of December 22, 2000. The holding of abandonment is hereby withdrawn.

Applicant is advised that the transmittal form PTO/SB/30 "Request for Continued Examination (RCE)" should not be used for anything but the filing of a request for continued examination (RCE). A request for a continued examination may be filed with the payment of the specified fee once prosecution in the application is closed (e.g., the application is under final rejection or a notice of allowance).

The application is being forwarded to the Supervisory Legal Instruments Examiner for entry of the amendment filed on March 22, 2001 and change of address as requested. The file will then be forwarded to the examiner for prompt action on the merits of the claims.

Telephone inquiries relative to this decision should be directed to Special Programs Examiner Kenneth Dorner at (703) 308-0866.

A handwritten signature in black ink, appearing to read "Gerald Goldberg", is written over a horizontal line.

Gerald Goldberg, Director
Patent Technology Center 3600
(703) 308-1134
Facsimile No.: (703) 308-2177

Kjd : 1/25/02

Handwritten initials "KJD" in black ink.